



Application for a Non-Traditional Asbestos Abatement Work Practice Approval, BWP AQ 36

Instructions and Supporting Materials

Table of Contents

- Introduction
- Permit fact sheet
- Contact list

Introduction

Both the Massachusetts Department of Environmental Protection (MassDEP) and the Massachusetts Department of Labor Standards (DLS) issue case-by-case approvals for deviations from prescribed asbestos abatement work practices in their regulations (MassDEP's regulation: 310 CMR 7.15; DLS's regulation: 453 CMR 6.00), to address situations in which the traditional practices cannot be safely implemented or are significantly impractical. MassDEP's approval is a formal permit, based on review of an Application for Non-Traditional Asbestos Abatement Work Practice Approval (BWP AQ 36). DLS's approval is obtained by contacting that agency (see end of the Permit Fact Sheet for contact information).

The situations for which MassDEP may issue a Non-Traditional Asbestos Abatement Work Practice Approval are:

- When demolition of a facility is done under an order issued by a state or local government agency because the facility is structurally unsound and in danger of imminent collapse;
- Where Asbestos-Containing Material (ACM) or Asbestos-Containing Waste Material (ACWM) was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed;
- Where asbestos abatement activity is conducted as part of an emergency renovation operation;
- Where asbestos abatement activity is conducted to clean up and decontaminate a facility or portion of a facility as a result of:
 - asbestos abatement activities not conducted in compliance with 310 CMR 7.15, or
 - ACM deterioration that, if not immediately attended to, presents a safety or public health hazard;
- For a facility that is being renovated, where wetting would unavoidably damage equipment or present a safety hazard; or
- For bulk loading of ACM and/or ACWM.

The MassDEP Application for Non-Traditional Asbestos Abatement Work Practice Approval Form (BWP AQ 36) must be submitted to the appropriate MassDEP regional office (see page 9 for contact information). A detailed proposal for specific Non-Traditional Asbestos Abatement Work Practices, prepared by a DLS-certified asbestos project designer, must accompany the application form. In addition, a copy of the BWP AQ 36 application form and a check for the \$600 filing fee must also be submitted to:

MassDEP
P.O. Box 4062
Boston, MA 02211



Massachusetts Department of Environmental Protection

Application for a Non-Traditional Asbestos Abatement Work Practice Approval, BWP AQ 36

Instructions and Supporting Materials

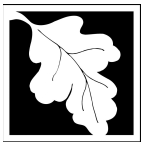
If you are sending the BWP AQ 36 Application for a Non-Traditional Asbestos Abatement Work Practice Approval Form via private or overnight delivery service, please send it and the associated fee (via check or money order made out to the "Commonwealth of Massachusetts") for \$600.00 to:

Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108-4747

Please Note: See response to Question 6 below for information about how to submit an application. See response to Question 7 below for more details on the application fee, and including a list of the entities that are exempt from the fee.

To file an Application for Non-Traditional Asbestos Abatement Work Practice Approval, download the Application for Non-Traditional Asbestos Abatement Work Practice Approval Form (BWP AQ 36) and Instructions from MassDEP's web site: <http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html>. These documents are available in two file formats: Microsoft Word® and Adobe Acrobat PDF®. The Microsoft Word® format allows the form to be completed on a computer. It can then be printed and signed.

Instructions in Microsoft Word® provide guidance on how to prepare an Application for Non-Traditional Asbestos Abatement Work Practice Approval. Although we recommend that you print out the entire package, you may choose to print specific parts of the document(s) by selecting the appropriate page numbers for printing. If you download the Application Form in PDF, the Instructions must be downloaded separately.



Application for a Non-Traditional Asbestos Abatement Work Practice Approval, BWP AQ 36

Instructions and Supporting Materials

Permit Fact Sheet

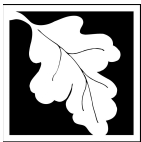
1. What is an “asbestos abatement” and what rules govern this work?

MassDEP’s Asbestos Regulation (310 CMR 7.15) defines key terms:

- “Asbestos” means all asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, actinolite, and tremolite, and any other asbestiform minerals designated as asbestos by the U.S. Environmental Protection Agency (EPA) in 40 CFR 61.141.
- “Asbestos Abatement Activity” means the removal, encapsulation, demolition, renovation, enclosure, repair, disturbance, handling, transportation, storage or disposal of asbestos-containing material or asbestos-containing waste material, or any other activity involving asbestos-containing material or asbestos-containing waste material that has the potential to result in a condition of air pollution. This definition does not include survey, sampling, analysis, monitoring, or visual inspection activities.
- “Asbestos-Containing Material” (ACM) means any material containing 1% or more asbestos as determined by a laboratory using protocols set forth in the “Method for the Determination of Asbestos in Bulk Building Materials” found in EPA report EPA/600/R-93/116, or another method as directed by the Department. This term includes, but is not limited to, sprayed-on and troweled-on materials applied to ceilings, walls, and other surfaces; insulation on pipes, boilers, tanks, ducts, and other equipment, structural and non-structural members; tiles; asphalt roofing or siding materials; or asbestos-containing paper.
- “Asbestos-Containing Waste Material” (ACWM) means any ACM removed during a demolition or renovation project and anything contaminated with asbestos in the course of a demolition or renovation project including, but not limited to, asbestos waste from control devices, bags, or containers that previously contained asbestos, contaminated clothing, materials used to enclose the work area during the demolition or renovation operation, and demolition or renovation debris. This definition also includes ACM on and/or in facility components that are inoperable or have been taken out of service and any ACM that is damaged or deteriorated to the point where it is no longer attached as originally applied or is no longer serving the intended purpose for which it was originally installed.
- “Facility” means any dumping ground, or any installation, structure, building establishment or ship, and associated equipment.

2. What are “prescribed work practices”?

The “Specific Asbestos Abatement Work Practice Standards” section of the MassDEP’s Asbestos Regulation (310 CMR 7.15 (7)) prescribes work practices that must be implemented when conducting an asbestos abatement project to prevent the release of asbestos fibers that could cause or contribute to a condition of air pollution. These include requirements for preparing and isolating the work area; covering floor, ceiling and wall surfaces as well as objects that cannot be moved away; decontaminating equipment that is used during the abatement; ventilating the work area so as to prevent fibers from migrating outside of this area; and specific requirements for



Application for a Non-Traditional Asbestos Abatement Work Practice Approval, BWP AQ 36

Instructions and Supporting Materials

removal and cleanup.

3. What are “Non-Traditional Asbestos Abatement Work Practices”?

These are practices that are different from the specific work practices prescribed in the Asbestos Regulation and that are needed to address situations in which the prescribed practices cannot be implemented safely (e.g., before demolition of a fire-damaged building; or in areas near high-voltage electrical equipment and other situations where wetting would be dangerous). Before these Non-Traditional Asbestos Abatement Work Practices are implemented, MassDEP must be persuaded that they will:

- Not result in the discharge of visible emissions of asbestos to the outside air,
- Keep ACM and ACWM adequately wet (where appropriate) until it is placed and sealed into containers for transport to a disposal facility,
- Comply with all other applicable requirements of 310 CMR 7.15, and
- Be consistent with the requirements of applicable federal, state, and local laws and regulations.

4. Who may apply for a Non-Traditional Asbestos Abatement Work Practice Approval?

Applications may be submitted by the owner, operator (e.g., property manager), DLS-licensed asbestos abatement contractor, or DLS-certified project designer for a specific facility or facility component. An Approval will be issued to the person who filed the application and that person must provide copies to all parties involved. Please note that a Non-Traditional Asbestos Abatement Work Practice Approval is a permit that applies to a specific facility or facility component, and cannot be transferred to other parties.

5. Is there a specific Application form?

Yes. The application must be submitted using MassDEP's “Application for Non-Traditional Asbestos Abatement Work Practice Approval” form (BWP AQ 36), and it must be accompanied by a written proposal for specific non-traditional asbestos abatement work practices prepared by a DLS-certified Asbestos Abatement Project Designer. All sections of the application form must be completed (incomplete forms will be returned by MassDEP). The proposal must include the following information:

- A description of the need and justification for each requirement of 310 CMR 7.15 for which a deviation is sought,
- A description of each non-traditional work practice proposed, and
- A demonstration that the deviation(s) from 310 CMR 7.15 and the proposed non-traditional work practice(s) will not cause any visible emissions of asbestos to the outside air, and will not pose significant risk to public health, safety, or the environment, and
- Any additional information requested by the MassDEP

Attachment 1 to this Permit Fact Sheet contains a list of specific information that must be submitted with each Application for Non-Traditional Asbestos Abatement Work Practice Approval.



Massachusetts Department of Environmental Protection

Application for a Non-Traditional Asbestos Abatement Work Practice Approval, BWP AQ 36

Instructions and Supporting Materials

The Application for Non-Traditional Asbestos Abatement Work Practice Approval Form and Instructions are available on MassDEP's website at

<http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html>

6. How do I submit the Application for Non-Traditional Asbestos Abatement Work Practice Approval Form?

Two steps are required to submit your Application for Non-Traditional Asbestos Abatement Work Practice Form:

1. Send the original Form and proposal to the Asbestos Program in the appropriate MassDEP regional office (see contact information at the end of this fact sheet for email and postal addresses). This submittal may be made by regular, certified or U.S. Postal Service Express mail. If you are seeking approval for non-traditional asbestos abatement work practices to address an emergency or time-sensitive situation, you may email a scanned version of the BWP AQ 36 Form and the accompanying proposal to the appropriate MassDEP regional office. Emailed submittals will need to be followed by mailing a paper copy of the signed BWP AQ 36 form to the MassDEP regional office, so that MassDEP has the original signature of the project proponent on file.

2. You must also send a copy of the BWP AQ 36 application form and a \$600 check for the filing fee (if the fee is applicable) to:

MassDEP
P.O. Box 4062
Boston, MA 02211

Checks are picked up from this P.O. box every working day and entries are made in MassDEP's data management system when each check is cleared by the bank.

Please note: Private delivery services cannot deliver to the P.O. Box.

If you are sending the BWP AQ 36 Application for a Non-Traditional Asbestos Abatement Work Practice Approval Form via private or overnight delivery service, please send it and the associated fee (via check or money order made out to the "Commonwealth of Massachusetts") for \$600.00 to:

Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108-4747

Please be aware that MassDEP will return your submittal if it is found to be incomplete. In addition, if your check is not cleared by your bank, any authorization to proceed issued by MassDEP for the project will not be valid until the application fee has been paid.



Application for a Non-Traditional Asbestos Abatement Work Practice Approval, BWP AQ 36

Instructions and Supporting Materials

7. What is the permit application fee for a Non-Traditional Asbestos Abatement Work Practice Approval?

The permit application fee required by MassDEP regulation (310 CMR 4.00, Timely Action and Fee Provisions) for a Non-Traditional Asbestos Abatement Work Practice Approval is \$600. However, cities, towns, counties, districts of the Commonwealth, federally recognized Indian tribe housing authorities, the Massachusetts Bay Transportation Authority (MBTA), and municipal housing authorities are not subject to permit application fees.

8. What are MassDEP's timelines for reviewing applications for Non-Traditional Asbestos Abatement Work Practice Approvals?

Once the BWP AQ 36 Form and proposal are received by the MassDEP regional office, it will be reviewed to determine whether it is administratively and technically complete. If the application is complete, MassDEP will issue an approval or denial within 10 working days of receipt of the application (and will strive to issue approvals or denials for emergency situations within two business days of receipt). If additional information is required, the applicant will be notified and will be asked to submit the missing information within 30 calendar days. Where the applicant responds to the deficiencies in the original application within 30 calendar days of being notified of deficiencies, MassDEP will conduct a second review, and will issue an approval or denial to the submitter within 10 calendar days of receiving the additional information.

9. Is the permit application fee refundable?

If MassDEP does not complete its review of your Application for Non-Traditional Asbestos Abatement Work Practice Approval within 10 calendar days of receipt of a complete application, MassDEP will return your fee and issue an approval or denial of your application.

Your fee will not be refunded if MassDEP denies the application within the 10-day review window, or if you decide not to implement the proposed non-traditional asbestos abatement work practice.

10. Do I need to file a notification for my asbestos abatement once I have a Non-Traditional Asbestos Abatement Work Practice Approval?

If you have obtained a Non-Traditional Asbestos Abatement Work Practice Approval from MassDEP, you must file an ANF-001 form for the abatement work to be undertaken (this filing can be done by using e-DEP). When you complete the ANF-001 form, please put the MassDEP approval number for your Non-Traditional Asbestos Abatement Work Practice Approval and the date on which the approval was obtained in the ANF Pre-form if filing through eDEP, or in response to Question 5 in Section A if filing by paper.



Application for a Non-Traditional Asbestos Abatement Work Practice Approval, BWP AQ 36

Instructions and Supporting Materials

11. Where can I find DLS License and Certification Numbers for my asbestos abatement Project Designer/Contractor?

The DLS License Number for your Asbestos Contractor and the Certification Number for your Project Designer need to be typed into your answers to Section B of the BWP AQ 36 Form. Your Asbestos Contractor and Project Designer should supply this information to you. DLS publishes a list of licensed asbestos abatement contractors and their license numbers on the DLS website. (See contact information below.)

12. When can I start work?

Work cannot begin until you have received MassDEP's approval of your Application for Non-Traditional Asbestos Abatement Work Practice Approval, and you have filed a notification (via an ANF-001 Form at least 10 calendar days in advance of the scheduled start of your abatement). If your Non-Traditional Asbestos Abatement Work Practice Approval will address emergency conditions, you may obtain an emergency waiver of the 10-day notification period from the appropriate MassDEP regional office (this may be issued by phone at the same time you receive a conditional authorization to proceed with the Non-Traditional Asbestos Abatement Work Practices). See Question #16 in the Permit Fact Sheet for the ANF-001 for more information about emergency waivers: <http://www.mass.gov/eea/agencies/massdep/service/approvals/bwp-aq-04-anf-001.html>.

Please note that you must start work on the “start date” you indicate on the ANF-001. If you are not going to start on that date, you must revise your notification prior to the original start date indicated, and pay a \$35 fee for filing the revision if your project is subject to this fee.

13. Can I file an Application for Non-Traditional Asbestos Abatement Work Practice Approval for a facility other than a building?

An Application for Non-Traditional Asbestos Abatement Work Practice Approval must specify the facility and location where the asbestos abatement work will be done. However, the definition of “facility” in 310 CMR 7.15(1) includes “any installation” or “associated equipment”, not just buildings. For example, in the case of an electric utility, the “facility” might be identified as a specific set of interconnected structures (e.g. manholes, utility poles, etc.) and equipment (e.g. substations) within a contiguous service area network.

14. Can I revise my Non-Traditional Asbestos Abatement Work Practice Approval?

It is possible that unforeseen conditions may result in the need to modify approved Non-Traditional Work Practices. If modifications are needed, you will need to submit a written modification request to the appropriate MassDEP regional office. The revised Non-Traditional Work Practices cannot be used at the facility until your request has been approved by MassDEP.



Application for a Non-Traditional Asbestos Abatement Work Practice Approval, BWP AQ 36

Instructions and Supporting Materials

15. How long does a Non-Traditional Asbestos Abatement Work Practice Approval remain in effect?

Your proposal should indicate the time period in which you will implement your non-traditional asbestos abatement work practices, and the approval will cover this time period. Your approval will be valid for the time period you specify in your application, but in no case will it run for more than one calendar year.

16. What can I do to avoid the most common mistakes in submitting an Application for Non-Traditional Asbestos Abatement Work Practice Approval?

- a. Fill in **all** information required on the BWP AQ 36 Form accurately and completely, and have the form signed by an authorized person. This signed form needs to be submitted to the appropriate MassDEP regional office (see question #6).
- b. Make sure that the accompanying written proposal has been developed by a DLS-certified Asbestos Abatement Project Designer, and includes all of the applicable information listed in Attachment 1.
- c. Make sure that you send a check for the fee (as applicable) with a copy of the BWP AQ 36 Form to MassDEP Boston office (see Question # 7 above).
- d. If you have any questions completing the form, call MassDEP (see contact information at the end of this Permit Fact Sheet).

17. Where can I get copies of the regulations that apply to the Commonwealth's asbestos program?

These regulations include, but are not limited to:

- a. MassDEP:
 - Asbestos Regulations, 310 CMR 7.00, including 7.09 and 7.15.
 - Asbestos Disposal Regulations, 310 CMR 19.061
 - Massachusetts Contingency Plan waste site cleanup regulations, 310 CMR 40.0000.
 - Timely Action and Fee Provisions, 310 CMR 4.00.
 - Administrative Penalties Regulations, 310 CMR 5.00.

MassDEP's regulations are available on MassDEP's website at <http://www.mass.gov/eea/agencies/massdep/service/regulations/>



Massachusetts Department of Environmental Protection

Application for a Non-Traditional Asbestos Abatement Work Practice Approval, BWP AQ 36 Instructions and Supporting Materials

b. DLS:

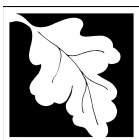
- Asbestos Regulations, 453 CMR 6.00.

DLS's regulations are available at DLS's web site: <http://www.mass.gov/lwd/labor-standards/asbestos-program/>.

Official copies of MassDEP's and DLS's regulations may be purchased at:

State House Bookstore
Room 116
Boston, MA 02133
(617) 727-2834

State House West Bookstore
436 Dwight Street
Springfield, MA 01103
(413) 784-1376



Massachusetts Department of Environmental Protection

Application for a Non-Traditional Asbestos Abatement Work Practice Approval, BWP AQ 36

Instructions and Supporting Materials

Contacting the Department of Environmental Protection (MassDEP)

For questions about how to complete the BWP AQ 36 Form or how to comply with MassDEP's requirements for asbestos removal, please contact an asbestos inspector in the MassDEP regional office that covers the municipality where the asbestos work will be performed. The asbestos inspectors are the best source of information about any technical aspects of MassDEP's requirements for asbestos removal.

Region	MassDEP Staff Lead	Email Address	Telephone	Fax	Mailing Address
Central	Gregg Levins	Gregory.levins@state.ma.us	508/767-2768	(508) 792-7621	8 New Bond Street, Worcester, MA 01606
Northeast	John Macauley	John.macauley@state.ma.us	978/694-3262	(978) 694-3499	205B Lowell Street, Wilmington, MA 01887
Southeast	Cynthia Baran	Cynthia.baran@state.ma.us	508/946-2887	(508) 947-6557	20 Riverside Drive, Lakeville, MA 02347
Western	Marc Simpson	Marc.simpson@state.ma.us	413/755-2115	(413) 784-1149	436 Dwight Street, Springfield, MA 01103

Find your region: <http://www.mass.gov/eea/agencies/massdep/about/contacts/>

MassDEP Asbestos Program Web Page:

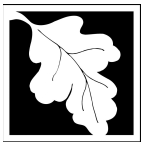
<http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html>

This Web Page has links to all MassDEP asbestos related documents including regulations, policies, guidance, and notification forms.

Contacting the Department of Labor Standards (DLS)

Information, Licenses, Notifications, Complaints.....(617) 626-6960
Investigations & Enforcement.....(617) 626-6961
Offices
Boston.....(617) 626-6960
Haverhill.....(978) 372-9797
New Bedford.....(508) 984-7718
Springfield.....(413) 781-2676
Westborough.....(508) 616-0461

DLS web site: <http://www.mass.gov/lwd/labor-standards/asbestos-program/>



Application for a Non-Traditional Asbestos Abatement Work Practice Approval, BWP AQ 36

Instructions and Supporting Materials

Attachment 1

Information Needed to Complete an Application for Non-Traditional Asbestos Abatement Work Practice Approval

1. Description of Facility/Site:

- Street address and municipality
- Name and address of property owner
- Description of facility or facility component subject to abatement
- Site drawing indicating:
 - Property lines
 - Location of work area
 - Exclusion zone for asbestos handling
 - Any neighboring sensitive receptors (residences, schools, day care facilities, etc.)
 - Locations of perimeter air monitors
 - Location of decontamination area
 - Location of water runoff controls
- Asbestos survey results and/or abatement history

2. Description of specific provisions of prescribed work practices in 310 CMR 7.15 that cannot be complied with (i.e., reasons for requesting a Non-Traditional Asbestos Abatement Work Practice Approval)

3. Description of proposed Non-Traditional Asbestos Abatement Work Practices, including (as appropriate):

- Dust control measures to ensure “no visible emissions”
- Wetting procedures (including amended water)
- Decontamination procedures (including equipment list, diagrams, etc.)
- Description and location(s) of power sources if needed
- Water runoff management (including control and disposal)
- Air monitoring collection and analytical procedures (include calibration of instruments, identify analytical laboratory if appropriate; include reporting frequency to MassDEP regional office)
- Waste containerization and loading procedures
- Post removal soil testing protocol (for soil-specific areas as appropriate)
- Post-demolition/renovation cleanup and visual inspection procedures and criteria
- Other Non-Traditional Asbestos Abatement Work Practices

4. Project timeline and schedule

5. Copies of municipal or state-issued Order to Demolish or similar directive (if applicable)

6. Name/DLS certification number of Asbestos Abatement Project Designer who prepared the proposal



Massachusetts Department of Environmental Protection

Application for a Non-Traditional Asbestos Abatement Work Practice Approval, BWP AQ 36 Instructions and Supporting Materials

7. Name/DLS license number of the Asbestos Abatement Contractor conducting abatement (if known)
8. Name/DLS certification number of the Asbestos Abatement Project Monitor (if known)
9. Name and address of the demolition contractor (if applicable)
10. Description of placarding that will be on trucks transporting ACWM generated from the project. Placarding must comply with the requirements of the U.S. Environmental Protection Agency (40 CFR Part 61), and applicable U.S. Department of Transportation, U.S. OSHA, state and local regulations
11. Any other information that will help MassDEP evaluate the application.